

6-13-13 mins.

**MINUTES
CITY OF TAUNTON
ZONING BOARD OF APPEALS
June 13, 2013 at 5:30 pm
(held at Maxham School, 141 Oak St, Taunton, Ma.)**

Members Present: Steven Vieira, Dennis Ackerman, Joseph Amaral, Wayne Berube and Peter Wasylow and Estele Borges.

Meeting opens at 5:37 pm.

Chairman Ackerman asked everyone to stand for a moment of silence for ZBA Member Troy Medeiros who passed away on June 1, 2013 after an 8- month battle with lung cancer. He was on the Board for 11 years and was very vocal and he will be greatly missed.

Peter made to accept minutes of May 9, 2013, seconded by Wayne. All in favor

Chairman Ackerman explained the process of which the ZBA conducts its meetings. They listen to the petitioner/Attorney, then opposition or in favor and then back to the petitioner. They do not go back and forth.

**Case # 3131 – Requesting 6-month extension – 3 & 5 Alegi Avenue
Motion made and seconded to Grant 6-month extension.
Vote: Berube, Amaral, Borges, Vieira, Ackerman....yes
6-month extension granted.**

Case # 3182 Figueiredo Clay Street

For: A Special Permit from Section 5.2 of the Zoning Ordinance to allow a 3 –family (triplex) in an Urban Residential District on premises situated on the northeast side of **Clay Street, known as Property I.D. Map 105-Lot 90.**

For the petitioner: Paul Patneau, P.E., Earth Services Corp., 198 Crane Ave. So., Taunton, Ma.
Joseph Figueiredo, 400 Country Hill Dr., N. Dighton, Ma.

Opposed: Robert Rich, 15 Clay St., Taunton, Ma.
Lisa Laranjo, 16 Clay St., Taunton, Ma.
Alfred Morin, 21 Clay St., Taunton, Ma.
Amy Mach, 15 Clay St., Taunton, Ma.
Joyce Carvalho, 20 Eighth St., Taunton, Ma.

In favor: Peter Reynolds, 4 Seventh St., Taunton, Ma.
Debra Perry, 25 Clay St., Taunton, Ma.
Edward Swartz, 2225 Country Hill Dr., N. Dighton,

Paul stated the proposal is for a triplex (3-family) in a low volume neighborhood. There will be adequate parking and there are multi-families in the neighborhood. He stated if he did duplex it would be exact same footprint (with garage in middle) Wayne asked it would be the exact same size and Paul answers yes. He passed out pictures of triplex he recently built on Second Street which would be similar to this site. Joe stated the lot now is a legal duplex lot. He asked how many bedrooms and Joseph Figueiredo answers 3 bedrooms. He stated he could do duplex with 2 car garage in middle so he's just asking for another unit. In favor: Peter Reynolds, 4 Seventh Street sold the property and he has no issues. He lives in the neighborhood and thinks would this be good fit. Ed Swartz, 225 Country Hill Dr., No. Dighton, Ma. stated he is neighbors with Mr. Figueiredo and he is a man of his word. He also gives a lot back to the community. In favor: Deborah Perry, 25 Clay Street also in favor and believes Joe will do what

he says he will do. Wayne asked if she sold him the land and she answers yes but doesn't live there. Opposed: Robert Rich, 15 Clay Street states he's opposed to the triplex, not the size. It will change the character of the neighborhood. He is in favor of duplex on site. Wayne asked if he's in favor or opposed and he answers opposed to a triplex (3-family). He stated it would probably be 3 rentals. Opposed: Amy Mach, 15 Clay Street also opposed. The street is very narrow and a triplex is not going to look good. She stated there will be renters and she invited the Board to go down and look at property. Peter asked her if she ever had rental property and she answered no. She stated there is no guarantee they will keep up property. She asked if they would be doing background checks on people living there. She doesn't want Section 8 "characters" living there. She does investigations for the Commonwealth so she is aware of people of that character. She doesn't want a lot of riff raff living there. Wayne pointed out the cars for the triplex are located on the property. Opposed: Lisa Laranjo, lives right across the street and she personally feels there is no room for triplex. She stated the property is zoned for a duplex and he was aware of that. She doesn't oppose builders making money in this economy but doesn't want to see a 3 family there. Opposed: Joyce Carvalho, 20 Eighth Street also opposed. She has lived there for 43 years and states the water level is bad and she is concerned with more water going on her property. Chairman Ackerman stated the City Engineer has to make sure no more water run offs this property. She explained Clay Street is extremely narrow and right now has parking problems. Chairman Ackerman was going to allow someone from the audience to speak and asked her to make it quick and another abutter commented the Board was rushing them. Chairman Ackerman reminded her that everyone has a right to speak but we cannot go back and forth all night. He stated everyone who comes before this Board is asking for a waiver of the regulations and they looks at each case on its own merits. Chairman Ackerman advised the abutter that he may vote for this due to her type of testimony. Ms. Laranjo stated she took offense to the statement " they can build duplex by right" and you won't know who can will live there. Wayne stated they didn't tell her that but he can build duplex. Opposed: Alfred Morin, owns 21 Clay Street stated it's a friendly neighborhood and a lot of children in area. He is planning on giving his land to his daughter in future and his main concern is the layout of the roadway, it's on his property. He stated he used to work in the City Engineer's Office and there is a lot of problems with drainage. The roadway was built in 1700 and it always was very narrow and if this goes in the roadway should be widen and moved. He stated the roadway is on his property. He stated there is no room for parking on street. Chairman Ackerman stated the ZBA doesn't have the authority to move a road but suggest Mr. Morin going to DPW and Municipal Council. Mr. Morin suggests having the City Engineer do something about the road. Paul stated that Mr. Figueiredo agrees to widened the roadway along his property. There was some discussion relative to brining in fill in for the front of the property. Chairman Ackerman asked if it would be all rentals units? Mr. Figueiredo answers if triplex he will keep, if duplex he will condo them. He maintains the properties. Letters from the Board of Health, Conservation Commission, and City Planner were read into the record.

Motion made and seconded to Grant with the following conditions:

- House to be serviced by Municipal Sewer & Water.
- Petitioner to widen Clay Street to a width to be determined if allowed by the City Engineer.

Vote: Ackerman, Borges, Wasylow, Amaral, BerubeYes
Petition Granted:

Case # 3184 Hawthorne Dev. Corp. North Walker Street

For: A Variance from Section 6.3 of the Zoning Ordinance for the construction of a single family dwelling on a lot having 26,093 square feet & dry area (instead of 60,000 sq. ft of lot area and 43,560 sq. ft. of dry area) with 126' of frontage (instead of 150')

For the petitioner: Atty. Edmund Brennan, One Church Green, Taunton, Ma.

Opposed: Jen White & Jonathan Joubert, 120 N. Walker St., Taunton, Ma.

In favor: None

Atty. Brennan stated the property was created in 1979 by the Lincoln Family and the middle lot was the family home. The zoning changed in 1988 and because the property wasn't transferred within 5 years so they lost their grandfathering. Atty. Brennan stated he has done some research and has a deed from 1992 but the description doesn't prove it's this lot. So they are applying for a variance. Atty. Brennan states a house can easily sit on this lot. There are no wetlands on the property and if this lot was developed when created we wouldn't be here tonight. They are proposing a single family on this lot. He stated the lots are very compatible to the area and development of this lot will not have a negative impact on the neighborhood. Chairman Ackerman read the letter from the Conservation Commission stating this is in the Natural Habitat Rare Wildlife zone. Opposed: Jen White, 120 No. Walker Street stated she lives right next door and there is conservation land in back. She stated the builder showed her plans and she thinks her house is much closer. She stated they have drainage issues and her concerns is the

For: A Variance from Section 8.7.5.2 of the Zoning Ordinance to allow a 180 foot Wireless Communication Tower having a distance of 96 feet from the closest property line (instead of 180 feet).

For the petitioner: Steven Callahan, P. O. Box 329, Middleboro, Ma.
Anthony Lopes, General Manager, Home Town Talk Radio.

Opposed: None
In favor: None

Mr. Callahan stated he is requesting to move his radio station from Middleboro to Taunton. He stated the FAA requires that all AM stations protect nearby AM stations on adjacent frequencies from interference. He can do this by using the existing tower on site as a "canceller" and the new tower will act as a "feeder" to keep the two stations from overlapping. Anthony Lopes, Gen. Mgr. of Home Town Talk Radio said they used to be at 123 Broadway and by moving back to Taunton it will allow a stronger presence in the area. They currently cover high school basketball, softball and will be adding more in September. No one in favor or opposition. Letters from City Planner, Conservation Commission and Board of Health were read into the record.

Motion made and seconded to Grant as Presented:

Vote: Ackerman, Borges, Wasylow, Amaral, BerubeYes
Petition Granted:

Case # 3183 Coute 20 Russell St.

For: A Special Permit from Section 5.3.4 of the Zoning Ordinance for a sideline setback of 5.8' (instead of 15') for a 24.3' x 10' deck with stairs.

For the petitioner: Christopher Coute, 110 Field St., Taunton, Ma.

Opposed: None
In favor: None

Mr. Coute explains how he purchased this property recently and discovered the deck and stairs do not meet the side setback. He bought the home with the deck there but he wants to legalize it. No one in favor or opposed. Letters from City Planner, Conservation Commission and Board of Health were read into the record.

Motion made and seconded to Grant as Presented:

Vote: Ackerman, Borges, Wasylow, Amaral, BerubeYes
Petition Granted:

Case # 3185 Sinclair 111 Dean St.

For: A Special Permit from Section 5.3.4 of the Zoning Ordinance for the extension of a pre-existing non-conforming use by allowing a massage therapy and esthetics (1,100 sq. ft.) in an Office District.

For the petitioner: Melanie Sinclair, 18 Purchase St., Taunton, Ma.
P. Burke Fountaine, 111 Dean St., Taunton, Ma.

Opposed: None
In favor: None

Ms. Sinclair states she wishes to open up her massage therapy business at this location. She stated that Sheehan Realty is cutting her space and she is using 1,100 sq. ft for her massage business. It is her life dream to open up Melanie's Spa. No one in favor or opposed. Letters from City Planner, Conservation Commission and Board of Health were read into the record.

Motion made and seconded to Grant as Presented:

Vote: Ackerman, Borges, Wasylow, Amaral, BerubeYes

Petition Granted:

Case # 3186 Warren & Debra Carey 93 Tynan Ave.

For: A Special Permit & Variance from Section 7.9 of the Zoning Ordinance for an Accessory Dwelling Unit on a lot having 8,785 sq. ft. (instead of 15,000 sq. ft.)

For the petitioner: Jeff Proudler, Sandcastle Homes, 600 Plain St., Marshfield, Ma.

Opposed: None
In favor: None

Mr. Proudler stated he is representing owners who wish to construct an accessory dwelling unit for her parents who had some health issues. The accessory dwelling will be located in the rear for a little privacy and will meet all setbacks. They are aware they have to renew every 5 years. No one in favor or opposed. Letters from City Planner, Conservation Commission and Board of Health were read into the record.

Motion made and seconded to Grant as Presented:

Vote: Ackerman, Wasylow, Amaral, Borges, BerubeYes
Petition Granted:

Case # 3181 Elias 60 Phyllis Rd.

For: A Variance from Section 6.3 of the Zoning Ordinance for the construction of a 24' x 30' garage with a 6.8' side setback (instead of 15')

For the petitioner: John DeLano, John DeLano Associates, 27 Jefferson St., Taunton, Ma.

Opposed: None
In favor: None

Mr. DeLano explains how the applicant wishes to construct a garage with a reduction of the side setback. The lot has wetlands on it and a drainage easement so this is the only logical place to place garage on side of the with driveway. They will be 24.8' from abutting house. Matt & Megan Boutin, 65 Duffy Drive misunderstood where the garage was being placed and now have no issues with their request. No one in opposition. Letters from City Planner, Conservation Commission and Board of Health were read into the record.

Motion made and seconded to Grant as Presented:

Vote: Ackerman, Borges, Wasylow, Amaral, BerubeYes
Petition Granted:

Chairman Ackerman stated how he will miss ZBA member Troy Medeiros.

Meeting adjourned at 7:33 pm.

